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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

MANIWANG, JOSEPH R

ART UNIT PAPER NUMBER

2144

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/746,637

Applicant(s)

CHILOYAN ET AL.

Examiner

Joseph R. Maniwang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21,23-42 and 44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21,23-42 and 44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 04/13/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/13/05 has been entered.

Information Disclosure Statement

2. The information disclosure statements (IDS) submitted on 04/13/05 were in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statements were considered by the Examiner.

Claim Rejections - 35 USC § 102

3. Claims 1-17, 19-21, 24-38, and 40-42 are rejected under 35 U.S.C. 102(e) as being anticipated by Wang et al. (U.S. Pat. No. 6,668,376), hereinafter referred to as Wang.

4. Regarding claims 1, 24, and 25, Wang disclosed a method and system for accessing information related to a peripheral device as claimed. The method comprised obtaining an identifier from the peripheral device, determining a network address based

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on the identifier, and executing a browser function on the host computer to access and automatically install a remotely stored device driver (see column 2, lines 24-41; column 3, lines 24-40). Wang disclosed that the peripheral installation process, which made use of a browser function, could be user controlled (see column 3, lines 34-35; column 4, lines 10-15), thus enabling a user to suppress execution of the browser function as claimed. Furthermore, in addition to using URLs directly linking to device drivers, Wang also disclosed other special case URLs, implying that using such a URL, the system could access and obtain information not essential to the use of the peripheral device as claimed (see column 4, lines 4-9).

5. Regarding claims 2 and 3, Wang disclosed obtaining the peripheral identifier after the host recognized a change in the number of devices connected to the host or alternatively by a manual indication provided by the user (see column 4, lines 10-15).

6. Regarding claim 4, Wang disclosed employing at least one of the identifiers as at least a portion of the network address, as it was disclosed that an identifier received from the peripheral device could be the address itself (see column 5, lines 30-62).

7. Regarding claims 5-8 and 26-29, Wang disclosed obtaining peripheral identification through a request and receiving a device descriptor. A descriptor could be a string descriptor, and include several identifiers, including a class and a command set specific to the peripheral device (see column 4, lines 10-29, 40-60). Parsing the descriptor for at least one of the identifiers was inherently disclosed by Wang as these values were disclosed to be unique and network addresses were retrieved based on them (see column 4, line 61 through column 5, line 15). Parsing the descriptor in this

case would be necessary to extract the unique information needed for retrieving network addresses.

8. Regarding claims 9-11 and 30-32, Wang disclosed determining a network address comprising accessing a database using a peripheral identifier as claimed. The database could reside on the host computer or externally, accessible to the host (see column 2, lines 42-49; column 3, line 61 through column 4, line 9; column 5, lines 17-22).

9. Regarding claims 12 and 33, the network address was generated based on the peripheral identifier as claimed (see column 4, lines 1-4; column 5, lines 1-3).

10. Regarding claims 13-17 and 34-38, Wang disclosed automatically retrieving and installing peripheral device drivers from the remote computer using the network address (see column 3, lines 24-40; column 5, lines 1-15).

11. Regarding claims 19 and 40, Wang implicitly disclosed creating links to network addresses by disclosing storage of the database of network addresses on a webpage (see column 5, lines 17-22). A webpage of network addresses implies links as claimed.

12. Regarding claims 20 and 41, Wang disclosed automatically executing a browser on the host to access the remote computer at the network address (see column 5, lines 3-9).

13. Regarding claims 21 and 42, Wang disclosed alternatively allowing a computer user to perform any of the disclosed actions in order to install a device driver, including accessing the network address (see column 3, lines 24-35). As the use of a browser was disclosed for accessing a network address (see column 5, lines 3-9), Wang thus

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disclosed allowing a computer user to use a browser for accessing a network address, enabling a user to execute a browser function as claimed.

Claim Rejections - 35 USC § 103

14. Claims 18 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang et al. (U.S. Pat. No. 6,668,376), hereinafter referred to as Wang, as applied to claims 1 and 25 above, and further in view of Lin et al. (U.S. Pat. No. 6,523,083), hereinafter referred to as Lin.

15. Wang disclosed a method and system of accessing information related to a peripheral device. The method comprised obtaining an identifier from the peripheral device, determining a network address based on the identifier, and enabling communication between a host of the peripheral device and a remote server at the address (see column 2, lines 24-41; column 3, lines 24-40). Wang disclosed downloading peripheral device driver software from the network address.

16. While the invention of Wang related to downloading peripheral device driver software from a network address, Wang did not specifically disclose downloading firmware for a peripheral device.

17. In a related art of peripheral devices, Lin disclosed a system and method for updating the firmware of a peripheral device. A peripheral device was programmed entirely by a host device offering a more cost effective solution over prior art methods (see column 2, lines 13-59).

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18. It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Wang and Lin to include firmware updates in addition to the device driver resources accessible through a network. One of ordinary skill in the art would have been motivated to consider updating firmware in a peripheral device as Lin disclosed it necessary in keeping a peripheral current and error free (see column 1, lines 16-22), a problem also recognized by Wang (see column 1, lines 32-54). Allowing for firmware updates in the invention of Wang as taught by Lin would have further provided a way for updating a peripheral device in an efficient manner.

19. Claims 23 and 44 rejected under 35 U.S.C. 103(a) as being unpatentable over Wang et al. (U.S. Pat. No. 6,668,376), hereinafter referred to as Wang, as applied to claims 1 and 25 above, and further in view of what was well known at the time of invention.

20. Wang disclosed a method and system of accessing information related to a peripheral device. The method comprised obtaining an identifier from the peripheral device, determining a network address based on the identifier, and enabling communication between a host of the peripheral device and a remote server at the address (see column 2, lines 24-41; column 3, lines 24-40). Wang disclosed determining a network address by accessing a database using a peripheral identifier. The database could reside on the host computer or externally, accessible to the host. Wang disclosed generating the database with the help of manufacturers to correlate network address and device identification data, the network addresses providing direct

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access to device driver software (see column 2, lines 42-49; column 3, line 61 through column 4, line 9; column 5, lines 17-22)

21. Examiner takes Official Notice (see MPEP § 2144.03) that periodically updating a database in a computer networking environment was well known in the art at the time the invention was made.

22. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the invention of Wang to include periodically updating the database to add or change network addresses pertaining to peripheral devices as claimed. It was desired in the invention of Wang to provide up-to-date versions of software (see column 1, lines 44-67), thus motivating one of ordinary skill to not only update the driver software of peripheral devices as disclosed, but to further keep the driver software up-to-date at the source by periodically updating the database of addresses for accessing the software.

Response to Arguments

23. Applicant's arguments filed 04/13/05 have been fully considered but they are not persuasive.

24. Regarding claims 13-18 and 20 rejected under 35 U.S.C. 112(2), Examiner acknowledges Applicant's amendments to the claims for overcoming the rejections. The rejections have been withdrawn.

25. Regarding claims 1-17, 19-21, 24-38, and 40-42 rejected under 35 U.S.C. 102(e) as being anticipated by Wang et al. (U.S. Pat. No. 6,668,376), hereinafter referred to as

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Wang, Applicant asserts that the reference does not teach the claimed limitations of claims 1 and 25. Specifically, Applicant asserts that Wang does not teach that the URL of Wang "might include anything other than a device driver, or any information not related to the use of the peripheral device" and "that the web site contains additional information that is non-essential to the use of the peripheral device." In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a web site containing additional information that is non-essential to the use of the peripheral device) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Furthermore, Examiner submits that the URL of Wang does include information not related to the use of the peripheral device as claimed, where it was disclosed that the system could initially access a web page prior to obtaining a device driver based on the provided identification data from the peripheral device (see column 5, lines 17-22). It is clear that since this web page is not the actual device driver, this web page is information that is non-essential to the use of the peripheral device as claimed. Additionally, since such a web page was used to access URL addresses of device drivers, requests to access the web page were automatic as disclosed by Wang (see column 3, lines 24-35), and therefore not initiated by the user. Thus, Wang reads upon the broad concepts of obtaining non-essential information at a URL and automatically generated requests of the present invention.

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26. Regarding claims 18 and 39 rejected under 35 U.S.C. 103(a) as being unpatentable over Wang et al. (U.S. Pat. No. 6,668,376), hereinafter referred to as Wang, in view of Lin et al. (U.S. Pat. No. 6,523,083), hereinafter referred to as Lin, Applicant asserts that limitations not explicitly recited in claims 18 and 39 are inherently included in the dependent claims and traverses the rejection. Applicant asserts that since it has been allegedly shown that Wang does not teach inherent steps relating to suppressing further automatically generated requests, the combination of references fails to disclose the invention defined by the dependent claims. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. For the reasons described above, Wang reads upon the broadly claimed limitations of claims 1 and 25. Applicant's assertion of inherent steps that have not been taught by the references provides no substantial evidence or discussion relating to the subject matter of claims 18 and 39 but instead makes a generalized statement towards the patentability of the claimed invention. Furthermore, in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Applicant has not discussed the combination of the references but rather reverts back to a discussion of the primary

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reference, which reads upon the broadly claimed limitations of claims 1 and 25 as recited above.

27. Regarding claims 23 and 24 rejected under 35 U.S.C. 103(a) as being unpatentable over Wang in view of what was well known at the time of the invention, Applicant generally asserts that the invention is patentable. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph R. Maniwang whose telephone number is (571) 272-3928. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JM

MARC D. THOMPSON
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PRIMARY EXAMINER